IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 2ND NOVEMBER 2006 / 11TH KARTHIKA 1928

WP(C).No. 27600 of 2004(I)

PETITIONER:

SREELATHA, AGED 34,
W/O.AMBADYKURUP, DWARAKA,
WEST KALLADA, KOLLAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:
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1. THE REGIONAL TRANSPORT OFFICER,
KOLLAM.

2. THE TAHSILDAR, REVENUE RECOVERY,
KUNNATHUR.

3. RADHAKRISHNAN, S/O.PADMANABHAN,
NAGAYARTHOTTATHIL, ASHTAMUDI, KOLLAM.

R1 AND R2 BY G.P. SRI. GEORGEKUTTY MATHEW
R3 BY ADV. SRI.C.C.ABRAHAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF SALE DEED DATED 24.10.2001 EXECUTED BETWEEN THE PETITIONER AND THE THIRD RESPONDENT.

EXT.P2 TRUE COPY OF THE DEMAND NOTICE NO. B.2-8897/04 DATED 23.7.2004 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 27600 OF 2004

Dated this the 2nd day of November, 2006

JUDGMENT

Petitioner is challenging revenue recovery proceedings for recovery of arrears of motor vehicle tax due in respect of vehicle of which petitioner was the registered owner. Petitioner's case is that vehicle was sold and therefore recovery has to be made from the purchaser who is in possession and control of the vehicle. This Court vide interim order dated 23.9.2004 directed the vehicle to be seized on petitioner tracing it and informing it to police. It is not known whether the vehicle is recovered for recovery of arrears of tax. In any case Motor Vehicle Taxation Act authorises recovery from the registered owner or person in control and possession of the vehicle. Respondents are directed to proceed for recovery of arrears from the person in possession and control of the vehicle if the petitioner furnishes details of the same, failing which recovery can be made from the registered owner including the petitioner, if the petitioner is the registered owner.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge